

Resignation Revelations: Why Minorities Quit

By Melanie Lasoff Levs

(The names of the individuals mentioned have been changed to protect anonymity. These names are marked with an asterisk.)

Today, more law firms across the country are working toward the goal of achieving a practice that looks like America. Formal mentorships, affinity groups, flexible schedules, and other programs have been established in order to attract, retain, and promote minority and female attorneys.

Are these programs working? Sadly, the answer seems to be “no.” A 2005 study from the National Association of Legal Placement found that 42 percent of male associates of color leave their law firms within 28 months. Within 55 months, 78 percent have left. The attrition rate for white female attorneys within 55 months is 77 percent, while minority female attorneys have the highest attrition rate, at 41 percent within 28 months and 81 percent within 55 months.¹

Many studies have documented reasons for these high rates. In some instances, those reasons mirror those of white males, says David Hall, a law professor at Northeastern University who works as a diversity consultant to law firms and legal organizations. They include demanding hours, wanting to spend more time with family, or discovering that the firm is not the right fit. But lawyers of color and women struggle with these issues more acutely, in part because there are fewer of them, according to Hall. “In many of the firms, individuals are one of two or three or four attorneys of color or women, and there is an isolating aspect of being in a predominately white [male] institution,” he says.

For a more in-depth perspective on the problem, *Diversity & the Bar*® went to the source—women and attorneys of color who have left law firms—for frank discussions about why they really resigned. Was it for the reasons identified by studies, or were there more personal issues involved? How did the firms treat them? All names and other identifying characteristics, such as law firm names, have been changed to encourage the highest level of candor.

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On the Outside

Lucy Ling*, who now works for a large company in Illinois, left law firm life after 10 years. She worked for a large firm in Illinois, a small one in Wisconsin, and a medium-sized firm when she returned to Illinois. But none of the firms was the right fit.

“I decided I didn’t want to be in a law firm anymore and wanted to go into a more business-oriented position,” Ling explains, adding that her current job involves both litigation and business law.

At the large Illinois law firm she worked in, Ling, who is Asian American, says she did not feel blatant racism. “But I felt that if you were a white male, you were progressing faster than a minority female,” she adds. To this day, the firm continues to be dominated by white males, she notes. “That really bothered me,” she says. Ling recalls that when she began working at the firm, which had about 300 attorneys, she initially was the only minority attorney. The firm

did not have a minority attorney on staff for several years prior to her arrival, she says. The practice subsequently hired a few more minorities, but, Ling adds, "They obviously have trouble with their diversity numbers."

Ling found the same problem at the medium-sized Illinois firm. The firm of 50 to 60 attorneys had a habit of maintaining only one minority attorney throughout its lengthy history, most of whom left after one or two years, she says. The firm hired another minority attorney several months after she left, Ling adds. "It was an old boys' network," she says. "The people in power connected more with people like themselves, who were white males. People like me didn't get proper connections to make our careers go farther faster."

As experienced by Ling, many of the white males, including the young associates, lunched together and never invited women or minority attorneys. Invitations to golf outings and after-work affairs, too, were only extended to white males. "It kind of felt like you were on the outside," she says.

The Wisconsin law firm was a positive experience. But at the two Illinois firms, Ling says the partners "wanted to keep females in general in the office—working on briefs or doing research." They took white males to court or depositions and ignored the other associates, she says. "They wanted someone who looked like them, a 'mini-me,' to take to court with them."

The handful of minorities in the firm chose the same exit path. "None of us stayed—we all left," Ling explains. "We never cemented a connection with anyone."

Her Asian heritage—as well as her youthful appearance—also played a role in her distress at the firm. One state court judge called her a "China doll" during a trial. Ling was shocked. "He was smiling. I knew he didn't mean it in a bad way, but I said, 'I hope you mean it as a compliment, Judge,'" she recalls. "I just tried to make it lighthearted."

She was subjected to other stereotypes as well. During a meeting with partners, one asked her to go over some numbers, telling her, "Your people are good at math." Ling points out she hoped it was a joke. "Even if it was," she says, "that's really pushing the envelope."

Since a senior partner made the comment, Ling says she was uncomfortable expressing her disapproval. "People are self-conscious, especially as an associate and one of few female litigators," says Ling. "I didn't want to stick out."

Her feelings of exclusion and the lack of female and minority mentors were some of the reasons Ling says she left. The other was more personal. "I didn't feel litigation was a good fit for my personality," she says. Her culture played a role in that thinking: Her traditional immigrant parents taught her that Asian girls are quiet, and do not complain or cause a scene. "The way my parents brought me up did conflict a lot with being a litigator," she says. "One thing that was always reverberating in my head was my dad saying, 'A ladylike woman doesn't raise her voice and argue.'"

She left the large Illinois firm, taking a sabbatical before starting her current job. She has no regrets about leaving law firm life. "I love my job—I get to do a little bit of everything," she says. Ling also recognizes that corporate law departments are more progressive when it comes to hiring and retaining female and minority attorneys. At her company, there is a strong percentage of minority and female attorneys and staff. And she even has a mentor. "I like the fact there's someone here I see on a daily basis who is in a demographic similar to mine."

Ling is now doing well and she conveyed that it is inspiring to be around other diverse people. Her thinking about being a minority at work, too, has changed. "I don't feel that certain other people are going to have an advantage because they are more similar in race and upbringing

to the people in power than I am," says Ling. "It doesn't even register in my thinking and that's nice."

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No One at the Top

Laura Morrison*, now a senior attorney in a large company in Texas, was a mid-level associate at a large firm when she moved to corporate. But she started thinking about the move a few years before, when the firm was hit with a racial and gender discrimination suit by a minority attorney who had not made partner. "It was devastating for the firm in general as well as for the minority attorneys," says Morrison, who is African American.

White attorneys would approach her in the halls and ask her if she thought any of the plaintiff's accusations were true, or if Morrison had experienced discrimination. She had not, but, "I felt like I had to separate myself from the whole thing," says Morrison, adding that she had known the plaintiff socially.

The suit was eventually settled out of court.

Like many large law firms, Morrison's firm did not have a problem recruiting attorneys of color, she says. According to Morrison, there were about 30 minority associates, and the firm had a diversity plan that included interviewing at various minority law schools. But there were only 10 minority partners out of 300 and Morrison notes that there had been very few minority partners at the firm in its almost 90-year history.

Morrison's resolve to stay at the firm was further tested by a demanding white male partner. She worked with him on setting up a scholarship fund for a client of the firm. When Morrison suggested an organization that supported African American students as a possible benefactor, the partner took offense and told her she had no right to try to promote the organization. "That was bizarre for me," she says, adding that this partner has been known to make condescending comments about homosexuals. "I took it with a grain of salt, but it was awkward."

She and other minority associates continued to have run-ins with this partner, but Morrison did not complain. "I felt that would be a bad thing to do career-wise," she says. Yet, "He made things really difficult for us," she adds. "I didn't feel I could refuse work from him, even though I might have wanted to."

Like Ling, Morrison, too, felt alone. Her firm did not have a formal mentoring program in all of the sections and none of the partners in her section took an interest in her, she points out. "I didn't feel like there was one partner I could confide in," she explains. The firm's female partners, too, were intimidating, says Morrison. "Some of them felt like they had made sacrifices to get where they were, so the women associates should make the same sacrifices," she adds. "They perceived the younger female associates as not being willing to work as hard."

With few minorities in high places, a challenging partner, and little support from female partners, Morrison decided the demanding culture was not worth it. In her new position, she works regular business hours and has time for her family. There are several minorities in the legal department at her company, including the highest-ranking attorney, she says. "In law firms, there's this perception that everyone is watching you and is critical of what you do," Morrison explains. "Here, there's more respect and acceptance."

Shutting Open Doors

For the first of his two-and-a-half years at a large national law firm's Northern California office, Marc Anderson* felt accepted. He was hired by the firm after almost six years of practicing law and clerking in the federal court. Anderson was immediately put on several committees, including pro bono, diversity, and recruiting. Anderson recalls the firm having one other African American associate in his office and one Latino equity partner out of approximately 70 attorneys.

He says he was put on so many committees for a number of reasons, including because he was African American. "You're kind of the poster child in whatever organization you end up in," he says. "It didn't bother me because I believed that I was helping to meet the important objectives of the various committees and ultimately improving the firm. Most importantly, I hoped I was helping to open the doors of opportunity for people behind me."

While the firm's stated philosophy was pro-diversity, Anderson was skeptical. "There was a pushback on diversity from some of the more senior white partners," he says. The firm had hired a consultant to interview partners with respect to the firm's diversity initiative. As a byproduct of the interviews, Anderson says he learned that at least one partner publicly supported diversity yet privately made racially derogatory comments and criticized the objectives of the initiative itself.

"At least one partner said to me, 'Our diversity initiative is just misleading window dressing,'" says Anderson. "Unfortunately, I didn't realize how prophetic the statement was at the time it was made."

After 20 months at the firm, Anderson was put up for partnership consideration. "They said I was one of most talented associates at the firm," he recalls. "This sentiment was consistent with my job performance evaluations that consistently praised my work and contributions to the firm. As a result, I believed I had a good chance."

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During that year, the firm handled one of its biggest cases, between two technology companies. Anderson's firm represented the plaintiff, and he worked around the clock. One month, he says, he logged more than 350 hours. "It was a great case, with huge implications in the relevant industry," Anderson recalls.

But the case eventually settled for billions of dollars. "All of us were quite surprised and I was very concerned as to how I would satisfy my billing requirement without that piece of litigation," he says.

The following year, Anderson recalls, two partners "came to me with sincere looks on their faces and said, 'We're so sorry, you didn't make partner and the only reason is you did not make the hours.' They told me that a senior partner had made a commitment to ensure that I would have enough work in the upcoming fiscal year so that the billing requirement would not be an obstacle to my elevation in the future."

However, Anderson remained with the firm for another five months, saw no real change with respect to work assignments, and announced his resignation. "I said to myself, to hell with this. It's humiliating. I graduated from a top-tier law school with honors; I clerked in federal court. I shouldn't ever be in a situation where I have to beg for work."

Anderson says he did attempt to secure work from the partnership on a weekly or even daily basis. Often they ignored his requests, says Anderson, choosing to work with younger, less experienced white male associates. He says the firm's chairman is "a wonderful man," but "there wasn't much he could do to change the questionable assignment practices in the local offices. He wasn't going to fire or discipline some of the firm's most productive partners for not assigning work to people of color."

Anderson resigned, took some time off, and then started a private practice. He says he has had a few offers and would consider going back to a firm. But things would be different. "I will not accept a job offer from another law firm," he says, "unless I am confident that I will receive the support and respect necessary to realize tangible success within the firm."

Shut Out

Valerie Sawyer* chose the two firms she had worked for in Alabama for a simple reason: Both had African American female partners. "I didn't want to go to a firm where I wasn't going to have some support system," says Sawyer, who is African American.

The first firm had about 100 attorneys, and only four female partners, Sawyer recalls. "It was a very white-shoe, Southern firm and they took pride in that," she says. However, the African American female partner had been there for over a decade, and was well respected and well known. It was this partner to whom Sawyer ran when an older, white male partner told her, "Good dog," after she completed a task for him. "It was more of a gender thing, a very old, rich, Southern thing to do," her mentor told her.

The first two of her two-and-a-half years at the firm, Sawyer was on the recruitment committee. "I always brought back at least one black law student," she says. But after that second year, the firm told her they didn't want her to recruit anymore. She thinks it was racially motivated. "The candidates I brought in were comparable to some of the white candidates, and I wouldn't be shy about advocating for them as summer associates," she says. "They looked at that as playing race politics."

Then, her mentor's husband died. "The firm treated her awfully," Sawyer remembers, saying that the firm wanted to demote the woman to a non-equity partner since she took six months off. "When she fought back, they marginalized her by keeping her out of meetings and decisions," says Sawyer.

The partner ended up leaving for a larger firm. Sawyer lasted a few more months. "I was miserable. I didn't have a support system," she says. "The partners, even though they knew how close we were, didn't even try not to talk about her behind her back in front of me. I thought, 'If this is how they treated her, I'm never going to make partner.'"

Sawyer went to the other law firm in the city with an African American female partner, this one smaller and more entrepreneurial. They hired her to start a practice in an area new to the firm. The firm also had two black male partners. But Sawyer was troubled by a white partner, whom, she says, would come into her office and discuss what he said were scientific reasons black people had lower IQs.

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—David Hall, North

A few years after she had joined the firm, it merged with another. According to Sawyer, the partnership at her firm was split over the merger and things got ugly. "The situation created a very contentious atmosphere for the partners who didn't want the split," including the African American female partner, Sawyer adds. She watched as this woman, too, was "pushed out." She describes how the other black partner, a man on the opposite side of the merger issue, tried to rally Sawyer. "I got caught in the middle of the whole thing," she says. "It was nuts."

The office politics got to her. So did what she says was lack of support for her new practice. "I can't say it was racially motivated—I don't think they really knew enough about the practice I was hired to do," Sawyer adds. "They told me I'd have all these resources, and that never materialized."

At that point, she says, she had exhausted her options in Alabama. "There were two black female partners, and I worked for both of them," says Sawyer. "It was time to move on." So after three-and-a-half years at her prior firm, Sawyer was lured by a friend to Washington, DC, where she worked on Capitol Hill. After a year, she became an attorney for a government entity, deciding the law firm life was not for her. At her current job, Sawyer conveys that she feels comfortable—even sporting an ethnic hairstyle she felt too constrained to try at the firms. "I got no comments about it," says Sawyer. "At the firm, I would've been sat down and told by the partners they weren't sure what impact this will make on clients."

Like Ling, Sawyer has no regrets about leaving her law firm. Sawyer says she has seen how unfriendly certain firms can be to minority attorneys. "Black associates watch what happens to black partners. They base a lot of what their experiences are going to be like on that," she says.

David Hall of Northeastern University agrees. His advice to law firms concerned about high attrition rates: Pay attention to why lawyers are leaving and be realistic. "There's no way you can keep talented people from being recruited. But you should have made the place so welcoming for that individual that it becomes an extremely hard decision for them to leave," he says.

Hall, who commented on the individual experiences of the attorneys interviewed, says such behaviors are not uncommon if a law firm culture is not sensitive to the needs of all its employees. For Ling's and Morrison's cases, that means creating an inclusive and welcoming culture. In Anderson's case, it means ensuring that minority associates are treated fairly and given the same opportunities as whites. And in Sawyer's case, it means being aware of office politics and remembering that attorneys have needs as human beings, Hall elaborates. "Every firm has a culture and that culture sends certain messages of what's appropriate and not appropriate," he adds. "Those messages can be rooted in a particular culture and end up ignoring and being insensitive to other cultures."

To avoid situations like these attorneys' in the future, Hall advises firms he works with to recognize that diversity is not just about hiring and retention, but about making people feel comfortable so they want to do well—and so they stay. "You've invested in the individual," Hall concludes. "Make that investment pay off."

Melanie Lasoff Levs is a freelance writer based in Atlanta, Ga.

NOTES

1. See "Toward Effective Management of Associate Mobility: A Status Report on Attrition," National Association of Legal Placement (Nov. 2005).

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